

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1636
)	
SORENSEN, et al.)	Examiner: JOIKE, M.
)	
Serial No.: 10/523,007)	Washington, D.C.
)	
Filed: February 1, 2005)	July 22, 2008
)	
For: METHODS OF MIXING LARGE)	Docket No.: SORENSEN=3
NUMBERS OF HETEROLOGOUS)	
GENES)	Confirmation No.: 4661

ELECTION WITH TRAVERSE

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S i r :

In response to the restriction requirement mailed April 4, 2008, applicant responds as follows:

1. Applicant elects group I with traverse.

2. PCT Rule 13.1 applies. The restriction is based on a holding of a posteriori lack of unity, citing WO98/31837 (page 7, line 2-16) and US20060068472 as anticipatory.

Groups I, II and VI all relate to the single general inventive concept of "a method of mixing genes in expression cassettes by mating the cells".

We believe that the above linking concept is novel, and hence patentable, over the disclosure of WO 98/31837 (US 20060068472), in that the teaching in this document does not specifically relate to mating of cells. It is true that the documents mention that DNA is exchanged between cells, but the document does not specifically mention that this is done by sexual combination. A generic disclosure does not anticipate a species, and the examiner has not contended that the claimed invention is obvious over the cited art. Hence, we believe that the three above mentioned groups are linked together by the above special technical feature, i.e., that genes in expression

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cassettes are mixed by mating the cells.

Rejoinder of groups II and VI is therefore respectfully urged.

Respectfully submitted,

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